

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

SUSAN H MELLO)
Plaintiff)
v)
SAM PAGE et al) 4:23-cv-01249
Defendants)

Plaintiff's Motion to seal this motion and to seal the file and/or redact et al and remove /retract orders from public websites such as Recap, Pacer and Google scholar

Comes now Plaintiff and moves to seal the file and/or redact, use initials and remove the order from public sites including per rule 5.

This is so where:

1. The case relates to an injury private and confidential information on nature of injuries physical condition and medical information (which as filed in Missouri is sealed)and of the type typically kept confidential and private where the public disclosure of same would be especially harmful to a Plaintiff as a self employed lawyer .

This is so especially given the sensitive nature of the injuries and where did file various items under seal where in MO courts since July 1 2023 automatic right to file medical information under seal with the public policy in HIPAA.

2. Such orders are proper where as in the Motion for added time

the 11/14 Motion, 11/20 and 11/28 and working reply on Motion to amend there are other medical or physical conditions that played in role in the drafting of the initial petition and the good cause and excusable neglect that are very private and need to be kept same, as well as to seek various items as in concussion protocol applied situation (as in Mo format for athletes) and where various issues including relating to communications.

3 Such orders are also proper where as referenced in the petition , although the claim is not based on same there were MHRA charges that are confidential by statute and other submissions confidential by policy

4 Such orders are proper where to have such orders the orders on the public internet which can be found by a search of Plaintiff's name are damaging .

This is especially so where Plaintiff as noted did not allege in the lawsuit met the definition to bring an ADA claim and as in the Motion to amend and memos on same confirmed was seeking to obtain protection by others with head injuries or concussions to see the protocols are followed for same and protected from bias, prejudice and harassment .,

The public naming of Plaintiff as such not only would have a likely impact

on her as a lawyer but can expose her personal risk , ridicule and harm .¹

This is especially so we are unfortunately in a political era where unlike when the ADA was adopted and amended in a bi partisan manner there is a level of hatefulness, scorn and ridicule toward the disabled and those who would seek to use the ADA that it would or could put Plaintiff at risk for internet troll and have her in reasonable fear of misuse of the information.y²

¹ Indeed since the orders were entered and public has received a series of disruptive and upsetting calls not only an uptick in hang up calls, but scam and other calls , even where on a do not call list.

²

This was shown in the view

1 As now active ledaing Republican candidate Trump where to the delight of his MAGA supporters he openly mocked New York Times reporter, where the hatefulness of same was reflected in other reporters he did not even want to see those in governmental service with visible disabilities.

).<https://www.reuters.com/video/watch/id113838798https://www.youtube.com/watch?v=PX9reO3QnUAttps://www.nbcnews.com/politics/2016-election/trump-s-worst-offense-mocking-disabled-reporter-poll-finds-n627736>

<https://www.usatoday.com/story/opinion/2018/05/11/donald-trump-paralympics-disabled-tough-watch-column/599142002/>

2 It is reflected in comments such as by John Stossel and Fox

[https://www.cato.org](https://www.cato.org/blog/john-stossel-ada-art-sele...) › blog › john-stossel-ada-art-sele...

The Blame Game - Are We a Country of Victims? (ABC ...

Amazon.com

<https://www.amazon.com> › Blame-Game-Country-Vict...

The blame Game John stossel from www.amazon.com

ABC News correspondent John Stossel investigates America's tendency to blame misfortunes on others. From three different angles the "victim mentality" is ...

Rating: 3.1 · 5 reviews · \$19.99 · 30-day returns

THE Blame Game w John Stossel (October 26,1994) - YouTube

YouTube · VintageNoSpintage

380+ views · 9 months ago

27:40

2022 6 26 21 3 27.

The Blame Game: Are We A Country Of Victims? [VHS]

Amazon.com

<https://www.amazon.com> › Blame-Game-Are-Country...

ABC News correspondent John Stossel investigates America's tendency to blame misfortunes on others. From three different angles the "victim mentality" is ...

Rating: 3.1 · 5 reviews · \$8.00 · 30-day returns

The Blame Game: Are We a Country of Victims? (1994)

TCM

<https://prod-www.tcm.com> › tcmdb › title › the-blame...

ABC News reporter John Stossel looks at the "victims movement" in the United States and how this tendency to blame misfortunes on others affects public ...

The Blame Game: Are We a Country of Victims? (1994)

missliberty.com

<https://missliberty.com> › the-blame-game-are-we-a-co...

John Stossel examines the rise of “victim” status and the decline in personal responsibility...in The Blame Game: Are We A Country of Victims?

The blame game : are we a country of victims?

WorldCat

<https://www.worldcat.org> › title › oclc

The blame game : are we a country of victims? Authors: John Stossel, Gabriella Messina, George Paul, Patricia Dauer, MPI Home Video (Firm), ABC News. Front ...

The Blame Game Are We a Nation of Victims DVD John ...

eBay

<https://www.ebay.com> › itm

The Blame Game Are We a Nation of Victims DVD John Stossel ABC News ; Quantity. 1 available ; Item Number. 325425068144 ; UPC. 0030306809496 ; EAN. 0030306809496 ...

\$18.63

The Blame Game: Are We a Country of Victims? [FS] [DVD]

Best Buy

<https://www.bestbuy.com> › ... › Movies & TV Shows

ABC special new correspondent John Stossel explores the phenomenon of the "victim's movement" in the modern society from three different angles in this ...

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STOSSEL HOLDS MIRROR UP TO 'VICTIM' NATION

Hartford Courant

<https://www.courant.com> › 1994/10/21 › stossel-holds...

Oct 21, 1994 — A lot of John Stossel's stories are hard to believe. That's what ...
The Blame Game: Are We a Country of Victims?" — will be broadcast ...

TELEVISION REVIEW; If You're a Victim, Could That Be ...

The New York Times

<https://www.nytimes.com> › 1994/10/26 › arts › televisio...

The blame Game John stossel from www.nytimes.com

Oct 26, 1994 — A skeptical John Stossel, reporting, draws his examples mainly from people who are milking the system to feed their failures, disappointments schools (and used in such schools without parent involvement at WGSD)

Sep 14, 2010 — On September 3 John Stossel's Fox Business show took an unsparing look at the seldomcriticized Americans with Disabilities

Where in 2022 he even appeared locally at Lindenwood where his biography included :

..September 15, 2022 | 6:00 PM

The H. F. Langenberg Memorial Speaker Series

Virtual event via YouTube

Join us for a presentation by John Stossel of Stossel TV,..

The event will start promptly at 6:00 PM (CT) and will begin with a moderated panel discussion, followed by a Q&A session. It is part of the H.F. Langenberg Memorial Speaker Series, which is proud to be partnering with several organizations and universities around the country.

Featuring:

John Stossel

John Stossel is an award-winning news correspondent and the creator of Stossel TV videos. Before making the change to Stossel TV, he was the co-anchor of ABC News' "20/20." Eight to 10 million people watched his program weekly. Often, he ended "20/20" with a TV column called "Give Me a Break," which challenged conventional wisdom.

Stossel's specials on myths, parenting issues, sex, and trends in pop culture have rated among the top news programs and earned him uncommon praise: "The most consistently thought-provoking TV reporter of our time," said The Dallas Morning News. The Orlando Sentinel said he "has the gift for entertaining while saying something profound." Stossel takes this reporting expertise and applies it to his weekly newspaper column for Creators Syndicate. Ready to cover topics newspaper readers care about, Stossel pokes fun at the ridiculous and lauds the excellent.

Newspaper editors may wonder whether Stossel's incredible TV ratings will translate from TV to print. The answer to that question is a resounding yes: A few years ago, HarperCollins published Stossel's book Give Me a Break, and readers (the same ones who read newspapers) made it a New York Times bestseller for 11 weeks. His second book, from Hyperion, Myths, Lies and Downright Stupidity, made the list for 13 weeks.

...Stossel's first special, Are We Scaring Ourselves to Death? examined exaggerated fears of things like chemicals and crime. It was followed by The Blame Game, which looked at Americans' tendency to blame their misfortunes on others. In You Can't Say That! he looked at the battle between free speech and censorship. He focused on bogus lawsuits in The Trouble With Lawyers and bogus scientific claims in Junk Science: What You Know That May Not Be So.

End of quote

His Blame Game is especially odious and designed to create hostile and scornful treatment of those who seek to rely on ADA . It not only attacks personal injury lawyers and personal injury lawsuits then moved from there to employment laws and employment lawyers . he calls such law being taken care of and at the end compares those to a baby who tried to climb a step and if the baby sat there and cried would never get up . It says such suits "weaken America's fiber" .

It goes on even oddly says in an odd oxymoron most suits are dismissed by juries and judges before they get to court but you pay when the victim "invades " your workplace, he claims the ADA is ambiguous, "lawyers feed off " these ambiguities , and then makes fun of four workers in Ithaca New york who had chemical sensitivity issues on a sick building and contrasts it with a blind man (whom he praises for going to work each day with no help other than a braille machine at the office). It said the more people know of the law , the more suits there are and courts are already "jammed" with all kinds of other discrimination claims (and ridicules an employment lawyer named Dan Klein) commentary from what is called "National Alliance for Rights and Responsibilities"

3 This is even more so where entities such as theFederalist Society (which as

identified in Congress by Senators is referred to as a well financed dark money group) are still in effect beating the same drum and fanning the flames of such hostility where they seem to be leading a PR campaign against the ADA even on a federal lawsuit challenging who can file such a suit.

As noted at

<https://www.acslaw.org/analysis/reports/dark-money/ttps://www.law.com/nationallawjournal/2019/05/31/on-dark-money-and-the-rights-judicial-revival/?slreturn=20231101112510> where well funded with what is referred to as \$250 million in what is called dark money , seem to make it part of their mission to create a hostile environment for those with disabilities .

In September 2023 having:

<https://fedsoc.org/commentary/fedsoc-blog/testing-the-testers-the-supreme-court-is-set-to-consider-the-standing-of-private-citizens-who-sue-to-enforce-the-americans-with-disabilities-act> On October 4, the Supreme Court will hear arguments in *Acheson Hotels LLC v. Laufer*. The case explores whether so-called “tester” plaintiffs under the Americans with Disabilities Act have standing to sue for alleged ADA violations under Article III of the Constitution, even when such plaintiffs have no intention of patronizing the business they are suing.

Title III of the ADA provides that “[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.” Discrimination includes "failure to make reasonable modifications in policies, practices, or procedures” when such modifications are needed to make the public accommodation accessible to individuals with disabilities.

The Attorney General has authority to issue rules implementing the statute, and

one of those regulations concerns hotel reservations. Known as the “Reservation Rule,” the regulation requires public accommodations, like hotels, to “[i]dentify and describe accessible features in the hotels and guest rooms offered through its reservations service in enough detail to reasonably permit individuals with disabilities to assess independently whether a given hotel or guest room meets his or her accessibility needs.” DOJ guidance supporting the Reservation Rule provides that disabled persons should be able to reserve hotel rooms with the same “efficiency, immediacy, and convenience” as non-disabled do. It also requires a reservation system to provide enough detail to let disabled persons know what services they offer.

The ADA includes a private right of action that allows disabled individuals who have been discriminated against by a public accommodation to bring an enforcement action against the business in federal court.

In Acheson, Laufer (a Florida resident who has mobility issues, limited use of her hands, and vision impairment) sued Acheson Hotels, LLC for failure to accommodate her disabilities under Title III of the ADA for one of its hotels, the Coast Village Inn and Cottages located in Maine. Laufer said that Acheson’s website did not provide information that identifies the hotel’s accessibility features or identifies and allows for booking of accessible rooms. She also argued that Acheson was liable for the fact that third-party platforms, which take reservations for its hotel, also did not provide such information.

Laufer is a self-proclaimed “tester” plaintiff. Such plaintiffs search out supposed violations of the ADA and then file lawsuits to remedy the alleged violation and collect fees. As is often the case with tester plaintiffs, Laufer openly admitted during the litigation that she had not visited the Coast Village Inn and had no intention of doing so.

The district court dismissed the lawsuit finding that she lacked standing because she did not suffer an injury, and the 1st Circuit Court of Appeals reversed.

Acheson asserts that Laufer lacks Article III standing because she did not suffer a real-world harm that was personal to her. As a result, her injury was neither concrete nor particularized. Under *TransUnion v. Ramirez*, an informational injury can only justify Article III standing when the plaintiff demonstrates that she experienced adverse effects from not receiving the legally required information. Laufer cannot show that here because she never intended to stay at Acheson's hotel.

Moreover, Acheson argues that Laufer (who has brought more than 600 cases against lodging and hospitality companies) is not really trying to redress injuries to her, but rather is seeking to enforce the ADA more broadly. Citing *TransUnion*, Acheson argues that under our constitutional structure, it is not the job of plaintiffs and their attorneys to make enforcement decisions relating to general compliance with the laws on the books. That is the job of the executive branch, which, unlike private citizens, is accountable to the people.

Laufer counters that under Title III of the ADA, "any person" who is disabled and experiences an accessibility barrier has suffered discrimination under the law. Thus, once Laufer visited Acheson's website and experienced the lack of accessibility information required under the law, she was harmed and had standing to sue. Laufer relies in large part on *Havens Realty Corp. v. Coleman* to support her standing argument. Havens found Article III standing when a Black plaintiff claimed discrimination under the Fair Housing Act. The plaintiff, who did not intend to rent an apartment from the defendant company, asked whether the company had apartments to rent and was falsely told that it did not.

Laufer argues that tester plaintiffs like her are vital to fulfilling the ADA's accessibility goals since the Act does not provide for money damages and most disabled persons cannot afford to bring a legal challenge when they encounter an accessibility barrier.

While Acheson focuses on Article III standing issues, an amicus brief filed by the

5 Same is also proper where the court has shown an level of increasing antagonism including using personal insults as directed to Plaintiff for what was informed were errors due to illness .first, garbled, then jumbled and then frivolous especially harmful where Plaintiff understands what is actually filed by Plaintiff at this time might not be accessible with it painting Plaintiff who graduated Order of

Center for Constitutional Responsibility (where, full disclosure, I am Executive Director) picks up on the argument that it is the executive and not private plaintiffs who should be enforcing public rights. The Center argues in support of Acheson that these tester lawsuits not only violate Article III standing requirements, but also Article II's requirement that law enforcement power reside exclusively within the executive branch or at least within its direct control.

End of quote

This is not the only one, even during the bi
<https://fedsoc.org/fedsoc-review/the-amendments-to-the-americans-with-disabilities-act-bad-for-business-boon-for-the-disabled>100 Engage: Volume 11, Issue 3

4 It such that in as in Forbes

<https://www.forbes.com/sites/peterslatin/2020/08/06/senate-republicans-have-declared-war-on-the-ada-says-duckworth/> in 2020 even in the midst of medically documented efforts to fight covid Tammy Duckworth, (D-Ill.) even described the level of hostility as a Republican created “ war on the ADA.” .

the Coif from her law school in 1979, worked at large firms in Boston and Phoenix and won jury cases and appeals supporting herself as sole practitioner since 1983 , as if completely incompetent as a lawyer when knew from 11/16, 11/20 and 11/28 the errors were from medical issues .

6. Same is proper under LR 13.05 and FRCP 5.2. and needed especially where Plaintiff will continue to have vision issues on written communications

6. It is proper same to be indefinite, until Plaintiff's demise..

Wherefore Plaintiff moves for same and such other relief as proper

BY____/s/ Susan H Mello
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Plaintiff pro per

Certificate of Service

The undersigned served defendants through the court's e service on 12/4 /23 /s/
Susan H Mello